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9 *Attorneys for Defendant and Counter-Plaintiff Insitu, Inc.*

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF WASHINGTON

12 INVICTUS GLOBAL SERVICES, INC.,

13 Plaintiff,

14 v.

15 INSITU, INC.,

16 Defendant.
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18
19

No. 1:21-CV-3161-TOR

**STIPULATED ORDER
DISMISSING PLAINTIFF'S
CLAIMS FOR YEAR TWO OF
THE CONTRACT**

20 This matter came before the court on stipulation of the parties as indicated
21 by the signatures of counsel below for an order dismissing Plaintiff's claims with
22 respect to year two of the parties' contract. This stipulation is based on the
23 stipulated findings of fact below.

24 Based on the stipulation of counsel as indicated by the signatures below,
25 THE COURT FINDS:
26

STIPULATED ORDER DISMISSING
CLAIMS FOR YEAR TWO
(No. 1:21-cv-03161-TOR) –1

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1 1. Plaintiff's complaint originally set forth a claim for breach of contract
2 damages for two years of performance under the parties' contract: (i) February 1,
3 2020 to January 31, 2021 (hereafter "Year One"); and (ii) February 1, 2021 to
4 January 31, 2022 (hereafter "Year Two").

5 2. In its expert disclosure served on March 3, 2023, Plaintiff claimed
6 damages only for Year One.

7
8 3. On March 11, 2023, Plaintiff's counsel confirmed in written
9 correspondence "that Invictus has withdrawn its cla[i]m for damages for year two"
10 of the contract.

11 Based on the above findings, IT IS HEREBY ORDERED THAT
12

13 1. Plaintiff's claims for Year Two of the parties' contract shall be
14 dismissed with prejudice. The parties reserve their rights to seek costs and fees at
15 the conclusion of this matter.

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17 IT IS SO ORDERED.

18 DATED this 2nd day of May 2023.



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Thomas O. Rice
United States District Judge

So Stipulated:

24 /s/ Michael B. FitzSimons

25 Michael B. FitzSimons (with authorization)
26 WSBA # 25054
Attorney for Plaintiff

24 /s/ Michael E. Scoville

25 Michael E. Scoville
26 WSBA # 44913
Attorney for Defendant

STIPULATED ORDER DISMISSING
CLAIMS FOR YEAR TWO
(No. 1:21-cv-03161-TOR) -2

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